

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

*In re: Clearview AI, Inc. Consumer Privacy
Litigation*

Civil Action File No.: 1:21-cv-00135

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

JOINT STATUS REPORT ON DISCOVERY

Pursuant to the Court’s August 31, 2022 Order (Dkt. 446), Plaintiffs; Defendants Clearview AI, Inc. (“Clearview”), Hoan Ton-That, Richard Schwartz, Rocky Mountain Data Analytics LLC (“Rocky Mountain”), and Thomas Mulcaire (collectively, the “Clearview Defendants”); and Defendants Macy’s, Inc. (“Macy’s”); Macy’s Retail Holdings, Inc., now known as Macy’s Retail Holdings, LLC (“Macy’s Retail Holdings”); and Macy’s Corporate Services, Inc., now known as Macy’s Corporate Services, LLC (“Macy’s Corporate Services”) (the Macy’s entities collectively, the “Macy’s Defendants”), by and through their respective counsel, file this Joint Status Report on Discovery.

I. WRITTEN DISCOVERY

The chart below sets forth outstanding written discovery and the due dates:

WRITTEN DISCOVERY	DUE DATE
Plaintiffs’ First Set of Interrogatories to Defendant Macy’s, Inc. and Second Set of Interrogatories to Macy’s Retail Holdings, Inc.	October 10, 2022
Plaintiffs’ August 26, 2022 Requests for Production to Macy’s, Inc. and Macy’s Retail Holdings, Inc.	October 10, 2022

WRITTEN DISCOVERY	DUE DATE
Plaintiffs' First Set of Interrogatories to Defendant Macy's Corporate Services, Inc.	October 10, 2022
Plaintiffs' First Set of Requests for Production to Macy's Corporate Services, Inc.	October 10, 2022
Macy's Defendants' Second Set of Interrogatories to Defendant Clearview AI, Inc.	October 31, 2022
Macy's Defendants' Second Set of Requests for Production of Documents to Defendant Clearview AI, Inc.	October 31, 2022

In connection with Plaintiffs' agreement to extend the due date for the Clearview Defendants' responses to Plaintiffs' First Set of Requests for Admission to the Clearview Defendants, Plaintiffs and the Clearview Defendants have agreed to extend the date for issuing written discovery to October 10, 2022.

In written correspondence, Plaintiffs have raised various issues with the written discovery responses of the Clearview Defendants and the Macy's Defendants, as well as the Court-ordered verification regarding the Clearview Defendants' document productions. The Clearview Defendants have responded in writing to Plaintiffs' written correspondence regarding the Court-ordered verification regarding the Clearview Defendants' document productions. Plaintiffs' counsel and the Clearview Defendants' counsel have scheduled a meet and confer to discuss the verification and other issues Plaintiffs have raised regarding the written discovery responses of the Clearview Defendants. Plaintiffs' counsel have met and conferred with the Macy's Defendants' counsel, and have resolved a majority of the issues raised in Plaintiffs' correspondence. Plaintiffs and the Macy's Defendants continue to address the few remaining issues.

In written correspondence, the Macy's Defendants' raised various issues with the written responses and productions of Plaintiffs and the Clearview Defendants. Counsel for the Macy's

Defendants separately met and conferred with counsel for Plaintiffs and the Clearview Defendants. The Macy's Defendants are in the process of reviewing Plaintiffs' and the Clearview Defendants' supplemental productions and will issue Rule 37.2 correspondence for any outstanding issues that remain.

On September 19, 2022, the Macy's Defendants responded to the Clearview Defendants' requests for production and interrogatories. The Macy's Defendants also made two supplemental document productions in September. The Clearview Defendants are in the process of reviewing the Macy's Defendants' recent discovery responses and document productions and will issue Rule 37.2 correspondence for any outstanding issues that remain.

On September 30, 2022, the Clearview Defendants responded to Plaintiffs' First Set of Requests for Admission. Plaintiffs' counsel are in the process of reviewing the responses. Based on an initial review, Plaintiffs' counsel anticipate issuing Local Rule 37.2 correspondence.

The Macy's Defendants' document productions are ongoing. In response to Plaintiffs' correspondence regarding the Clearview Defendants' Court-ordered verification and to avoid an unnecessary dispute, the Clearview Defendants have agreed to produce a limited set of additional documents. The Clearview Defendants believe that their document production is otherwise complete. As set forth above, Plaintiffs and the Clearview Defendants are scheduled to meet and confer regarding various discovery issues. Plaintiffs believe they have completed their document production. The Clearview Defendants are in the process of reviewing Plaintiffs' production and anticipate issuing Local Rule 37.2 correspondence.

II. ORAL DISCOVERY

The Clearview Defendants have issued notices for the depositions of the named Plaintiffs on consecutive dates between October 27 and November 4, 2022. Plaintiffs' counsel are conferring with the named Plaintiffs to determine their availability on the noticed dates.

Dated: October 4, 2022

Respectfully submitted,

By: /s/ Scott R. Drury
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CERTIFICATE OF SERVICE

I, Scott R. Drury, an attorney, hereby certify that, on October 4, 2022, I filed the foregoing document using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Scott R. Drury

SCOTT R. DRURY